

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTY-FIRST DAY — MONDAY, MARCH 10, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 37).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Berlanga; Farrar; Horn; Rodriguez; Stiles.

The invocation was offered by Representative Price, as follows:

Lord, we call ourselves Christians, Jews, Muslims, Hindus, Buddhists, agnostics, and other names that divide us. You call us your children.

Lord, we call ourselves Congregationalists, Baptists, Methodists, Catholics, Presbyterians, and other names that separate us. You call us your children.

Lord, we call ourselves Democrats, Republicans, liberals, conservatives, socialists, communists, and other names that disserve us. You call us your children.

Lord, please give us the wisdom to know and accept that you are our Father and that we are your children. Help us to understand that any harm or slight done to any of your children is done to you also.

Dear God, as we proceed in our legislative duties for the people of this state, may we be ever mindful that all your children are precious in your sight and may we act accordingly.

Please hear our prayer. Amen.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Farrar on motion of Solis.

The following member was granted leave of absence for today because of a flight cancellation:

Stiles on motion of Hightower.

The following members were granted leaves of absence for today because of important business in the district:

Berlanga on motion of Hightower.

Rodriguez on motion of Hightower.

The following member was granted leave of absence for today because of personal business:

Horn on motion of E. Reyna.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 17).

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Merritt who presented Dr. James F. Nash of Longview as the "Doctor for the Day."

The house welcomed Dr. Nash and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### **HR 225 - ADOPTED (by Uher)**

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 225**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 225**, In memory of Gordon Lee Cook.

**HR 225** was read and was unanimously adopted by a rising vote.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 225** as signers thereof.

### **HCR 103 - ADOPTED (by Williams)**

Representative Williams moved to suspend all necessary rules to take up and consider at this time **HCR 103**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 103**, Congratulating Betty Jane Burlin on being named 1997 Citizen of the Year by the Grimes County Chamber of Commerce.

**HCR 103** was read and was adopted without objection.

**HR 314 - ADOPTED**  
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 314**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 314**, Congratulating Ian Charles Simpson on being named Lucky Lady Oil Company Driver of the Year for 1996.

**HR 314** was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**SCR 31 - ADOPTED**  
(B. Turner and Hilderbran - House Sponsors)

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **SCR 31**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 31**, Congratulating Warren Guthrie on his retirement.

**SCR 31** was adopted without objection.

On motion of Representative Hilderbran, the names of all the members of the house were added to **SCR 31** as signers thereof.

**HR 316 - ADOPTED**  
(by Carter)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 316**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 316**, Welcoming the Honorable Gerald L. Coates and his wife, Lea, to Texas.

**HR 316** was adopted without objection.

**HCR 128 - ADOPTED****(by Carter)**

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HCR 128**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 128**, Declaring March 10, 1997, Tarrant County Day.

**HCR 128** was read and was adopted without objection.

On motion of Representative Heflin, the names of all the members of the house were added to **HCR 128** and **HR 316** as signers thereof.

**GENERAL STATE CALENDAR****HOUSE BILLS****SECOND READING**

The following bills were laid before the house and read second time:

**HB 979 ON SECOND READING****(by Junell, et al.)**

**HB 979**, A bill to be entitled An Act relating to the duration of certain agreements between a local government and this state or the United States in connection with an airport or air navigation facility.

**HB 979** was passed to engrossment.

**HB 566 ON SECOND READING****(by Oliveira)**

**HB 566**, A bill to be entitled An Act relating to deductions from the winnings of lottery winners determined to be delinquent in certain amounts collected by the Texas Workforce Commission.

Representative Yarbrough moved to postpone consideration of **HB 566** until 10:30 a.m. Tuesday, March 11.

The motion prevailed without objection.

**HB 520 ON SECOND READING****(by Woolley)**

**HB 520**, A bill to be entitled An Act relating to menhaden boat licenses.

**Amendment No. 1**

Representatives Talton and Tillery offered the following amendment to **HB 520**:

Amend **HB 520** on page 1 by striking lines 16-18 and substituting the following:

(d) The commission shall set the license fee for each Class B menhaden boat for each yearly period in an amount not to exceed \$50.

Amendment No. 1 was adopted without objection.

**HB 520**, as amended, was passed to engrossment.

**CSHB 578 ON SECOND READING**  
**(by Craddick)**

**CSHB 578**, A bill to be entitled An Act relating to certain licensed nonresident insurance agents.

**Amendment No. 1**

Representative Craddick offered the following amendment to **CSHB 578**:

Amend **CSHB 578** by striking all below the enacting clause and substituting the following:

SECTION 1. Article 21.11, Insurance Code, is amended to read as follows:

Art. 21.11. ~~NONRESIDENT [COMMISSIONS TO NON-RESIDENTS; CANCELLATION OF NON-RESIDENT AGENT'S LICENSE; NON-RESIDENT AGENT NOT TO ACT AS SURPLUS LINES]~~ AGENT

Sec. 1. NONRESIDENT AGENT LICENSE. (a) Notwithstanding Sections 3(a) and (b), Article 21.14, of this code, the department shall license a person who is not a resident of this state to act as a nonresident agent in accordance with Article 21.14 of this code, subject to the limitations of this article.

(b) An applicant for issuance of a license under this section must meet the requirements for issuance of a license under Article 21.14 of this code, except that the department shall waive any of those license requirements for an applicant with a valid license from another state or jurisdiction that has license requirements substantially equivalent to those of this state.

Sec. 2. RIGHTS OF LICENSE HOLDER. (a) Except as provided by this section, a license issued under this article to an individual who is not a resident of this state grants the same rights and privileges afforded under a license issued under Article 21.14 of this code.

(b) A person who holds a license issued under this article may not:

(1) maintain an office in this state;

(2) solicit insurance business in this state by any method, including an oral, written, or electronic communication; or

(3) employ solicitors or others to directly or indirectly solicit insurance in this state.

(c) The commissioner shall impose on a resident of another state or jurisdiction of the United States who is an applicant for a license or a holder of a license issued under this article any requirement or restriction that:

(1) the other state or jurisdiction of the United States imposes on a resident of this state who is a nonresident applicant or license holder in that state or jurisdiction; and

(2) is in addition to or stricter than the requirements or restrictions imposed under the insurance law of this state on an applicant or license holder who is not a resident of this state.

(d) For purposes of Subsection (c) of this section, "requirement or restriction" includes a requirement or restriction imposed by a law or regulation that:

(1) limits the rights or privileges of a person;

- (2) affects a commission or other compensation paid to a person; or
- (3) imposes a condition precedent on a person.

Sec. 3. LIMITATIONS. (a) This article does not permit:

(1) ~~[Any person, agent, firm, or corporation licensed by the Board to act as a fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, plate glass, burglary, bonding, title, surety or fidelity insurance agent in the State of Texas, is hereby prohibited from paying, directly or indirectly, any commission, brokerage or other valuable consideration on account of any policy or policies covering property, person or persons in this State, to any person, persons, agent, firm or corporation that is a non-resident of this State, or to any person or persons, agent, firm or corporation not duly licensed by the Board as a fire, fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, plate glass, burglary, bonding, title, surety or fidelity insurance agent; excepting however, that on any policy of insurance originated by a Licensed Non-Resident Insurance Agent, as hereinafter defined, and covering property or persons in this State, a Texas local Recording Agent may divide the commission with the originating Licensed Non-Resident Insurance Agent, but in any such case the insurance company or carrier shall pay to the Texas Local Recording Agent through which such policy is issued, signed or countersigned, his minimum share, which shall be a sum not less than the amount of commission or brokerage required to be paid by the laws or regulations of the State of such originating Non-Resident Agent when a similar policy of insurance is originated by a Texas Local Recording Agent covering persons or property in such other State.~~

~~[Nothing herein shall prevent a Texas Local Recording Agent from dividing with, or paying commissions to, another Texas Local Recording Agent. Nothing herein shall relieve any insurance company or carrier covered thereby from writing Texas risks through Texas agents as provided in Article 21.09, Insurance Code.~~

~~[A Licensed Non-Resident Insurance Agent is any person, firm or corporation residing or domiciled in another State and having a Non-Resident Insurance Agent's license as is hereinafter authorized.~~

~~[Upon application, in such form as the Board of Insurance Commissioners may require, a non-resident of this State who is duly licensed to transact insurance other than life under the laws of the State wherein such applicant resides, if such State does not prohibit residents of this State from acting as insurance agent therein, the Board of Insurance Commissioners may issue to such applicant a Non-Resident Agent's license.~~

~~[The issuance of a Non-Resident Agent's license shall be for the purpose of permitting a Local Recording Agent of Texas to divide commission with an agent of another State on insurance covering property or persons in this State placed with or through a Local Recording Agent, and to permit an agent of another State, who qualifies and is licensed as a Non-Resident Agent, to inspect and service such risks in Texas, which license shall be subject to the same fees, qualifications, requirements and restrictions as apply to Local Recording Agents of this State, except that an office shall not be maintained in this State by a Non-Resident Agent and all such insurance transacted shall be through licensed Local Recording Agents as provided in Article 21.09 of the Texas Insurance~~

Code; and provided further that a Non-Resident Agent shall transact all matters with the Board of Insurance Commissioners relating to rates and rate engineering and terminology of standard policy forms through Local Recording Agents, and nothing contained herein shall be construed as granting authority to a Non-Resident Agent to transact such matters directly with the Board of Insurance Commissioners; and, except that the Board of Insurance Commissioners, at its discretion, on payment by applicant of the examination fee, may enter into a reciprocal arrangement with the officer having jurisdiction of insurance business in any other State to accept in lieu of the written examination of such an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed as an insurance agent in such State and has complied with its qualification standards in respect to the following:

[~~(a) Experience or training;~~

[~~(b) Reasonable familiarity with the broad principles of insurance, licensing and regulatory laws, and with provisions, terms, and conditions of the insurance which applicant proposes to transact; and~~

[~~(c) A fair and general understanding of the obligations and duties of an insurance agent.~~

[~~Nothing contained herein shall be construed to permit~~] any person or firm [~~who is~~] licensed solely as a broker in the person's or firm's state [~~State~~] of [~~his~~] residence to be granted a [~~Non-Resident~~] license under this article [~~as referred to herein~~];

(2) [~~provided further that nothing contained herein shall be construed to permit~~] a holder of a [~~Non-Resident Agent's~~] license issued under this article to act as a surplus lines agent [~~Surplus Lines Agent~~] under [~~the provisions of~~] Article 1.14-2 of this code [~~the Insurance Code~~] or to perform any of the acts permitted under Article 1.14-2 of this code, except as provided under Section 10, Article 21.54, of this code; [~~thereunder~~] or

(3) [~~to permit~~] any person or firm who holds a [~~Non-Resident Agent's~~] license issued under this article [~~as authorized herein~~] to engage in any form of direct solicitation of insurance within this state [~~State~~].

(b) The commissioner shall revoke a nonresident agent's [~~A Non-Resident Agent's~~] license issued under this article if the commissioner finds [~~shall be cancelled and not be subject to reissuance when it is found by the Board of Insurance Commissioners~~] that the [~~such~~] license was obtained or is being used for the purpose of transacting insurance through a local recording agent [~~Local Recording Agent~~] in [~~such~~] a manner that permits the individual licensed under this article [~~as to permit a Non-Resident Agent~~], by subterfuge, to transact insurance as a local recording agent.

(c) In the circumstances described by Subsection (b) of this section, the commissioner shall also revoke [~~Local Recording Agent, and in which event~~] the license of the affected local recording agent.

(d) A license revoked under Subsection (b) or (c) of this section is [~~Local Recording Agent likewise shall be cancelled and~~] not [~~be~~] subject to reissuance before the fifth anniversary of the date the revocation is effective.

(e) The commissioner shall order that any [~~and all~~] insurance transacted under an [~~such~~] arrangement described by Subsection (b) of this section [~~shall~~] be cancelled[, provided further that the provisions of Sections 16 and 17, Article 21.14 of the Insurance Code shall apply to such cancellation].

(f) Article 21.01-2 of this code applies to licensing of a nonresident agent under this article.

Sec. 4. HOME OFFICE EMPLOYEE. This article does not affect the authority established under Section 20, Article 21.14, of this code of an actual full-time home office salaried employee of an insurance carrier licensed to do business in this state.

Sec. 5. RULES. The commissioner may adopt rules to implement this article.

SECTION 2. Article 21.09, Insurance Code, is repealed.

SECTION 3. This Act takes effect September 1, 1997, and applies only to conduct occurring on or after that date. Conduct occurring before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

**CSHB 578**, as amended, was passed to engrossment.

### **PRINTING RULE SUSPENDED**

Representative Danburg moved to suspend House Rule 12, Section 1(a)(1)(A) to enable the committee report for **HB 814** to be printed and distributed without the text of the introduced bill.

The motion prevailed without objection.

### **RULES SUSPENDED**

Representative Danburg moved to suspend the 5-day posting rule to allow the Committee on Elections to consider **HB 1237**, **HB 1350**, **HB 1351**, **HB 1400**, and **HB 1652**.

The motion prevailed without objection.

### **ADJOURNMENT**

Representative Hill moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 11:05 a.m., adjourned until 10 a.m. tomorrow.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:



**List No. 1**

**HB 2146** (by Maxey), Relating to studying minority participation in public higher education.

To Higher Education.

**HB 2147** (by Hill), Relating to prohibiting members of the governing board of the Texas Department of Housing and Community Affairs from interfering with the processing of applications for low-income housing tax credits.

To Urban Affairs.

**HB 2148** (by Longoria), Relating to monitoring and regulation of electric utilities in the provision of energy efficiency products and services.

To State Affairs.

**HB 2149** (by Longoria, et al.), Relating to the liability of volunteer fire departments.

To Civil Practices.

**HB 2150** (by Dunnam), Relating to the repeal of the exemption of professional services from liability under the Deceptive Trade Practices-Consumer Protection Act.

To Civil Practices.

**HB 2151** (by Allen), Relating to the enforcement of the requirement to pay child support; providing an offense.

To Juvenile Justice & Family Issues.

**HB 2152** (by Allen), Relating to tax credits.

To Ways & Means.

**HB 2153** (by Allen), Relating to the priority given to certain victim compensation funds by the Texas Youth Commission when apportioning wages earned by certain children.

To Corrections.

**HB 2154** (by Solis), Relating to the authority of the Texas Water Development Board to provide grants of financial assistance from the water loan assistance fund to irrigation districts.

To Natural Resources.

**HB 2155** (by Solis), Relating to the enforcement of possession orders by the Title IV-D agency.

To Juvenile Justice & Family Issues.

**HB 2156** (by Solis), Relating to counties contracting for the combination of lists for a jury pool.

To Judicial Affairs.

**HB 2157** (by Williamson), Relating to reporting under the sales and use tax the value of certain tickets to an amusement service purchased for resale.

To Ways & Means.

**HB 2158** (by Torres), Relating to benefits from certain municipal retirement systems for police officers.

To Pensions & Investments.

**HB 2159** (by Uher), Relating to granting resident tuition status to children or dependents of certain former Texas residents.

To Higher Education.

**HB 2160** (by Uher), Relating to the abuse of judicial process by an insurance premium finance company; providing criminal penalties.

To Civil Practices.

**HB 2161** (by Uher), Relating to the release and use of certain personal information from motor vehicle records.

To State Affairs.

**HB 2162** (by Oliveira), Relating to the administration and financing of certain industrial development corporations.

To Economic Development.

**HB 2163** (by Naishtat), Relating to information provided to enrollees in managed care plans; providing an administrative penalty.

To Insurance.

**HB 2164** (by Kuempel), Relating to the regulation of sanitary landfills.

To Environmental Regulation.

**HB 2165** (by Ramsay), Relating to the repeal of the additional tax imposed on the change of use of open-space land.

To Ways & Means.

**HB 2166** (by Ramsay), Relating to the tax imposed on title insurance premiums.

To Ways & Means.

**HB 2167** (by Ramsay), Relating to the authority of the Texas Department of Transportation to reimburse certain employees for relocation expenses.

To Appropriations.

**HB 2168** (by Alexander), Relating to the use of certain tax revenue for publicly owned airports.

To Ways & Means.

**HB 2169** (by Kubiak), Relating to the liability of emergency service organizations.

To Civil Practices.

**HB 2170** (by Kubiak), Relating to late fees for a person licensed to process radioactive materials.

To Environmental Regulation.

**HB 2171** (by Kubiak), Relating to an exemption from the requirement of a hunting license for a person who hunts feral hogs on land the person owns.

To State Recreational Resources.

**HB 2172** (by Kubiak), Relating to exempting from ad valorem taxation property used to provide transitional shelter or housing to homeless persons who are military veterans or the dependents or survivors of military veterans.

To Ways & Means.

**HB 2173** (by Kubiak), Relating to dependent coverage under the state employees uniform group insurance program.

To Pensions & Investments.

**HB 2174** (by Kubiak), Relating to increasing the longevity pay of state employees.

To Appropriations.

**HB 2175** (by Kubiak), Relating to participation in the proportionate retirement program for public employees.

To Pensions & Investments.

**HB 2176** (by Kubiak), Relating to eligibility of state employees for a service retirement annuity from the Employees Retirement System of Texas.

To Pensions & Investments.

**HB 2177** (by Kubiak), Relating to the use and management of the state employee sick leave pool.

To State Affairs.

**HB 2178** (by Kubiak), Relating to training for members of appraisal review boards and to the qualifications of the members of appraisal review boards.

To Ways & Means.

**HB 2179** (by R. Lewis), Relating to competitive bidding in connection with certain contracts made by counties.

To County Affairs.

**HB 2180** (by Averitt), Relating to review of mandated coverage in health benefit plans.

To Insurance.

**HB 2181** (by Janek and Corte), Relating to the application of the law relating to architectural barriers to certain licensed facilities.

To Licensing & Administrative Procedures.

**HB 2182** (by Greenberg), Relating to the use of high school completion rates under the public school accountability system.

To Public Education.

**HB 2183** (by Greenberg, Naishtat, and Maxey), Relating to creation of the County Court at Law Number 4 of Travis County.

To Judicial Affairs.

**HB 2184** (by Pitts and Kubiak), Relating to the requirement that certain administrative hearings involving the Department of Public Safety be heard by a justice of the peace.

To Civil Practices.

**HB 2185** (by Goolsby), Relating to the collection of certain warrants or checks issued by a county treasurer.

To County Affairs.

**HB 2186** (by Bailey), Relating to sunset review of Harris County Emergency Services District Number One.

To County Affairs.

**HB 2187** (by Moffat), Relating to the sale of electric generation and transmission assets and related assets of river authorities.

To Natural Resources.

**HB 2188** (by Naishtat), Relating to the prosecution of the offense of sexual assault.

To Criminal Jurisprudence.

**HB 2189** (by Naishtat), Relating to certain reports and accounts submitted by guardians or personal representatives of estates.

To Judicial Affairs.

**HB 2190** (by Luna), Relating to the involuntary termination of the parent-child relationship.

To Juvenile Justice & Family Issues.

**HB 2191** (by Bonnen and Hilderbran), Relating to the right to cancel the purchase of nursing home and other residential services.

To Business & Industry.

**HB 2192** (by Rangel), Relating to the establishment of a physician recruitment program for medically underserved areas.

To Public Health.

**HB 2193** (by Wise), Relating to the trust fund requirement for alien surplus lines insurers.

To Insurance.

**HB 2194** (by Wise), Relating to excluding the public from criminal trials and juvenile court hearings during the testimony of certain victims.

To Criminal Jurisprudence.

**HB 2195** (by Wise), Relating to leading questions in direct examination of a child.

To Criminal Jurisprudence.

**HB 2196** (by Wise), Relating to instruction concerning child safety issues for public school students.

To Public Education.

**HB 2197** (by Wise), Relating to the appointment of a guardian ad litem, the violation of an order for possession of or access to a child, the right to possession of certain children, and the compensation of victims of a crime involving interference with child custody.

To Juvenile Justice & Family Issues.

**HB 2198** (by Wise), Relating to the issuance of Texas Commission on Alcohol and Drug Abuse license plates.

To Transportation.

**HB 2199** (by Wise), Relating to the prosecution and punishment of certain obscenity offenses and other offenses committed to further the commission of obscenity offenses.

To Criminal Jurisprudence.

**HB 2200** (by S. Turner), Relating to a legislative leave time bank for fire fighters and police officers in certain municipalities.

To Urban Affairs.

**HB 2201** (by Stiles and Price), Relating to the payment of property taxes pending appeal and to attorney's fees and penalties in a property tax appeal.

To Ways & Means.

**HB 2202** (by Bosse), Relating to the regulation of vehicle storage facilities.

To Transportation.

**HB 2203** (by Bosse and Rabuck), Relating to a requirement that a municipality maintain a public record of its extraterritorial jurisdiction.

To Land & Resource Management.

**HB 2204** (by Yarbrough), Relating to the entitlement of certain peace officers to benefits for injuries sustained in the course of employment as a peace officer.

To Business & Industry.

**HB 2205** (by Yarbrough), Relating to civil service systems for constables' offices in certain counties.

To County Affairs.

**HB 2206** (by Yarbrough), Relating to requiring certain persons providing services to alcoholic beverage permit or license applicants to obtain a licensing assistant permit.

To Licensing & Administrative Procedures.

**HB 2207** (by Yarbrough), Relating to requiring certain persons providing services to lottery sales agent license applicants to post a surety bond.

To Licensing & Administrative Procedures.

**HB 2208** (by Yarbrough), Relating to elevators, escalators, and related equipment.

To Licensing & Administrative Procedures.

**HB 2209** (by Delisi), Relating to the consolidation of administrative support functions of state agencies through the use of franchising.

To State Affairs.

**HB 2210** (by Delisi), Relating to selective contracting for the provision of certain services under the state Medicaid program.

To Public Health.

**HB 2211** (by Delisi), Relating to the provision of certain services and equipment under the state Medicaid program.

To Public Health.

**HB 2212** (by Delisi), Relating to reduction of overpayments in the state Medicaid program.

To Public Health.

**HB 2213** (by Delisi), Relating to municipal and county policies regarding enforcement of certain drug laws.

To Public Safety.

**HB 2214** (by Delisi), Relating to fees for correspondence courses for certain veterans and the children of certain veterans.

To Higher Education.

**HB 2215** (by Staples), Relating to court-ordered family counseling for conflicts regarding issues of conservatorship or possession of or access to a child.

To Juvenile Justice & Family Issues.

**HB 2216** (by Maxey and Coleman), Relating to certain impact reports to be presented to the legislature regarding the licensing or registration of health care providers or changing the scope of practice of licensed or registered health care providers.

To State Affairs.

**HB 2217** (by Maxey), Relating to preventing fraud by using data matching projects and creating the state directory of new hires.

To State Affairs.

**HB 2218** (by Talton), Relating to the civil and criminal consequences of an offense involving driving, boating, or flying while intoxicated.

To Criminal Jurisprudence.

**HB 2219** (by Dukes, Maxey, and Van de Putte), Relating to lead poisoning screening and lead inspection and abatement requirements for certain facilities; providing penalties.

To Public Health.

**HB 2220** (by B. Turner), Relating to the disclosure by the Texas Department of Transportation of information pertaining to persons who subscribe to Texas Highways magazine or purchase certain promotional items from the department.

To Transportation.

**HB 2221** (by B. Turner), Relating to limitations upon the amount of life insurance risk that may be written by certain agents of or assumed by a stipulated premium insurance company.

To Insurance.

**HB 2222** (by Rhodes), Relating to the bond and oath requirements applicable to a sheriff.

To County Affairs.

**HB 2223** (by Cuellar, Solis, and Flores), Relating to the creation of the Rio Grande River Authority Commission.

To State Affairs.

**HB 2224** (by Delisi), Relating to the consolidation of investigations of fraud in the provision of health and human services and other improvements in identifying and preventing fraud.

To Public Health.

**HB 2225** (by Delisi and Maxey), Relating to purchasing practices by health and human services agencies, by certain other agencies with programs related to health or human services, and by certain public and private local providers of health or human services.

To Public Health.

**HB 2226** (by Delisi and Maxey), Relating to the state's mental health and mental retardation services system; providing penalties.

To Public Health.

**HB 2227** (by McReynolds), Relating to additional periods of possession or access to a child.

To Juvenile Justice & Family Issues.

**HB 2228** (by McReynolds), Relating to the determination of the amount of child support for a child of certain disabled obligors.

To Juvenile Justice & Family Issues.

**HB 2229** (by McReynolds), Relating to the creation of the Fifteenth Court of Appeals District.

To Judicial Affairs.

**HB 2230** (by Keel, Hilderbran, and Kubiak), Relating to the sales and use tax in certain metropolitan transit authorities.

To Ways & Means.

**HB 2231** (by Keel, Hilderbran, and Kubiak), Relating to the election of the board of certain mass transit authorities.

To Urban Affairs.

**HB 2232** (by Keel, Hilderbran, and Kubiak), Relating to the operation of a fixed rail transit system by certain metropolitan rapid transit authorities.

To Urban Affairs.

**HB 2233** (by Williams), Relating to the time limits in which a felony indictment may be presented for certain felonies.

To Criminal Jurisprudence.

**HB 2234** (by Keel), Relating to the composition of a board of adjustment in certain municipalities.

To Urban Affairs.

**HB 2235** (by Keel), Relating to the requirements for disannexation.

To Land & Resource Management.

**HB 2236** (by R. Lewis), Relating to the operation, administration, and financing of utility districts.

To Natural Resources.

**HB 2237** (by Dutton), Relating to the salaries of public school teachers and administrators.

To Public Education.

**HB 2238** (by Dutton), Relating to evidence of discrimination in a suit involving university admissions.

To Civil Practices.

**HB 2239** (by Janek, et al.), Relating to utility services for certain dwellings.

To Business & Industry.

**HB 2240** (by Janek), Relating to boats and outboard motors.

To Civil Practices.

**HB 2241** (by Davis), Relating to maintaining records concerning the transfer of money to a scholarship fund for urban students.

To Business & Industry.

**HB 2242** (by Davis), Relating to the management of historic sites.

To State, Federal & International Relations.

**HB 2243** (by Madden and Garcia), Relating to allowing an independent school district board to adopt term limits for its members with voter approval.

To Public Education.

**HB 2244** (by Tillery), Relating to a defendant's waiver of the right to object to a defective, erroneous, or irregular complaint.

To Criminal Jurisprudence.

**HB 2245** (by E. Reyna, Goodman, Edwards, Puente, and Delisi), Relating to the parent-child relationship, suits affecting the parent-child relationship, and the protection of children.

To Juvenile Justice & Family Issues.

**HB 2246** (by Delisi), Relating to the issuance of licenses to practice medicine to persons who attended certain foreign medical schools.

To Public Health.

**HB 2247** (by Gray), Relating to the liability of the operator of a railroad.

To Civil Practices.

**HB 2248** (by Wise), Relating to a limitation on interviewing or examining a child in a criminal case.

To Criminal Jurisprudence.

**HB 2249** (by Wise), Relating to the admissibility of testimony in civil and criminal proceedings.

To Criminal Jurisprudence.

**HB 2250** (by Wise), Relating to child protective services provided by the Department of Protective and Regulatory Services.

To Human Services.

**HB 2251** (by Wise), Relating to the collection of certain samples or specimens for the DNA database maintained by the Department of Public Safety.

To Public Safety.

**HB 2252** (by Oliveira), Relating to certain projects and programs for residents of a colonia.

To Economic Development.

**HB 2253** (by D. Jones and Madden), Relating to requiring legislative approval of state agency rules that took effect during the two years preceding a regular session.

To State Affairs.

**HB 2254** (by D. Jones), Relating to the reapportionment of certain state representative districts.

To Redistricting.



**HB 2255** (by Berlanga), Relating to the licensing of certain dentists and dental hygienists.

To Public Health.

**HB 2256** (by Berlanga), Relating to regulation of the State Board of Dental Examiners and the Dental Hygiene Advisory Committee.

To Public Health.

**HB 2257** (by Luna and Allen), Relating to the audit required for forfeited property and proceeds received by a law enforcement agency or an attorney representing the state.

To Criminal Jurisprudence.

**HB 2258** (by Culberson), Relating to the imposition of taxes or fees in certain water districts.

To Ways & Means.

**HB 2259** (by Gray), Relating to the establishment of and administration of a retirement fund for police officers in certain municipalities.

To Pensions & Investments.

**HB 2260** (by Junell), Relating to the collection of certain artifacts in state parks.

To State Recreational Resources.

**HB 2261** (by Thompson), Relating to providing the court with certain information regarding a party in a civil action.

To Civil Practices.

**HB 2262** (by Smith), Relating to the filing of a declaration of write-in candidacy in elections for trustees of independent school districts.

To Public Education.

**HB 2263** (by Smith), Relating to the use of accident information in the determination of premiums charged for private passenger motor vehicle insurance.

To Insurance.

**HB 2264** (by Glaze), Relating to county requisition orders.

To County Affairs.

**HB 2265** (by Glaze), Relating to information for county budget.

To County Affairs.

**HB 2266** (by Glaze), Relating to the regulation and maintenance of county roads.

To County Affairs.

**HB 2267** (by Bailey), Relating to changing the name of the Institute for Urban Studies at the University of Houston to the Center for Public Policy.

To Higher Education.

**HB 2268** (by Coleman), Relating to mental health treatment decisions made on behalf of an incapacitated individual and authorizing a declaration for mental health treatment.

To Public Health.

**HB 2269** (by Thompson), Relating to the enforcement of a child support order by contempt and suspension of a license.

To Juvenile Justice & Family Issues.

**HB 2270** (by Thompson), Relating to funds tendered into the registry of the court.

To Judicial Affairs.

**HB 2271** (by Thompson), Relating to the liability of certain persons concerning abandoned property.

To Business & Industry.

**HB 2272** (by Thompson), Relating to certain court costs a person convicted of certain offenses is required to pay.

To Criminal Jurisprudence.

**HB 2273** (by Thompson), Relating to certain duties of court clerks.

To Judicial Affairs.

**HB 2274** (by Shields), Relating to the exemption of insurance benefits and certain annuity proceeds from seizure under process.

To Financial Institutions.

**HB 2275** (by Shields), Relating to the jurisdiction of and procedure in justice and small claims courts.

To Judicial Affairs.

**HB 2276** (by Shields), Relating to the disposition of a juvenile who damages property with graffiti, to law enforcement records relating to a child who uses a graffiti tag, and to the criminal responsibility of a parent for a child's criminal mischief involving graffiti; providing a penalty.

To Juvenile Justice & Family Issues.

**HB 2277** (by Counts), Relating to the Fisher County Hospital District.

To County Affairs.

**HB 2278** (by Goolsby), Relating to parking, vehicle traffic, and security in the Capitol Complex.

To House Administration.

**HB 2279** (by Goolsby), Relating to the donation of certain surplus or salvage state property.

To State Affairs.

**HB 2280** (by Clark), Relating to holding at the same time more than one office of municipal judge filled by appointment.

To Judicial Affairs.

**HB 2281** (by Clark), Relating to the admissibility of evidence in criminal cases.

To Criminal Jurisprudence.

**HB 2282** (by Farrar), Relating to the creation of the offense of failing to report the loss or theft of a firearm.

To Criminal Jurisprudence.

**HB 2283** (by Farrar), Relating to the creation of an offense prohibiting sexual activity between certain public servants and persons in custody.

To Criminal Jurisprudence.

**HB 2284** (by Talton), Relating to the transfer of permits, registrations, or other authorizations issued by the Texas Natural Resource Conservation Commission.

To Environmental Regulation.

**HB 2285** (by Corte), Relating to the ability of a commissioners court of a county to determine county courthouse security policies.

To County Affairs.

**HB 2286** (by Corte), Relating to the selection of public members and the functions of a county salary grievance committee.

To County Affairs.

**HB 2287** (by Hinojosa), Relating to removal of county officers from office.

To County Affairs.

**HB 2288** (by Hinojosa), Relating to the manner in which grand jurors are selected.

To Criminal Jurisprudence.

**HB 2289** (by Hinojosa), Relating to the financing of sports and special events venues and related infrastructure; authorizing the imposition of certain local taxes and the issue of local bonds; providing penalties.

To Business & Industry.

**HB 2290** (by Naishtat), Relating to the execution of certain writs in an action to determine possession of certain leased premises.

To Business & Industry.

**HB 2291** (by Naishtat), Relating to a landlord's duty to mitigate damages under certain circumstances.

To Business & Industry.

**HB 2292** (by Naishtat), Relating to a statewide building and fire code.

To Land & Resource Management.

**HB 2293** (by Oliveira and Seaman), Relating to the listing on an ad valorem tax appraisal roll of certain possessory interests in exempt property.

To Ways & Means.

**HB 2294** (by Hightower), Relating to the operation of the Tyler County Hospital District.

To County Affairs.

**HB 2295** (by Oakley, Carter, and Keel), Relating to excavation operations that may damage underground facilities and providing civil penalties.

To Public Safety.

**HB 2296** (by Jackson), Relating to the servicing of a portable fire extinguisher.

To Public Safety.

**HB 2297** (by Gallego), Relating to the Texas Judicial Council.  
To Judicial Affairs.

**HB 2298** (by Gallego), Relating to costs of court imposed on persons convicted of certain offenses.

To Criminal Jurisprudence.

**HB 2299** (by Raymond), Relating to persons indebted to the state or delinquent in payment of taxes to the state.

To State Affairs.

**HB 2300** (by Serna and Chavez), Relating to the creation, administration, powers, duties, functions, operation, and financing of the Paseo del Este Municipal Utility District; providing for the authorization of bonds and the levy of taxes; providing civil penalties.

To Natural Resources.

**HB 2301** (by Hamric), Relating to the creation of an offense for the acquisition of a handgun by a person while under an active protective order.

To Public Safety.

**HB 2302** (by Hamric), Relating to the fees charged by county officials and the means by which fees may be paid.

To County Affairs.

**HB 2303** (by Hamric), Relating to requiring an individual convicted of the offense of prostitution to undergo certain medical tests and to the creation of the offense of engaging in prostitution while knowingly infected with certain diseases.

To Criminal Jurisprudence.

**HB 2304** (by Wilson), Relating to the reapportionment of certain state representative districts.

To Redistricting.

**HB 2305** (by Wilson), Relating to the geographic area where certain holders of a local distributor's permit may sell a brand of ale, beer, or malt liquor.

To Licensing & Administrative Procedures.

**HB 2306** (by Counts), Relating to employment in a nursing home or other facility serving the elderly or disabled.

To Human Services.

**HB 2307** (by Junell), Relating to granting the Health and Human Services Commission the authority to determine fees, charges, and payment rates under the state Medicaid program.

To Public Health.

**HB 2308** (by Thompson), Relating to the list of former and retired judges subject to assignment.

To Judicial Affairs.

**HB 2309** (by Thompson), Relating to the fees charged by the Justices of the Peace.

To Judicial Affairs.

**HB 2310** (by Thompson), Relating to the collection of taxes to which a qualified hotel project is entitled to a refund, rebate, or payment.

To Ways & Means.

**HB 2311** (by Van de Putte), Relating to the reporting of health conditions in the workplace.

To Public Health.

**HCR 116** (by Kubiak), Designating the Chappell Hill Bluebonnet Festival as the official Bluebonnet Festival of Texas.

To State, Federal & International Relations.

**HCR 117** (by Delisi), Designating the two-step as the Official State Dance of Texas.

To State, Federal & International Relations.

**HCR 118** (by Hilbert), Granting Dick Corporation permission to sue the State of Texas and the Texas Department of Criminal Justice.

To Civil Practices.

**HCR 120** (by Christian), Recognizing Texas' forest products industry and the Sustainable Forestry Initiative.

To Agriculture & Livestock.

**HCR 121** (by Flores), Directing the State Board for Educator Certification to study the ExCET exam.

To Public Education.

**HCR 122** (by D. Jones), Honoring St. Moses the Black African Orthodox Church.

To Rules & Resolutions.

**HCR 123** (by Junell), Congratulating the Honorable Bill Sims on his receipt of the Texas A&M Distinguished Texan in Agriculture Award.

To Rules & Resolutions.

**HJR 2** (by B. Turner), Proposing a constitutional amendment to abolish two justice precincts in Brown County.

To County Affairs.

**HJR 83** (by Gutierrez), Proposing a constitutional amendment to allow the legislature to prescribe the qualifications of constables.

To County Affairs.

**HJR 84** (by Shields), Proposing a constitutional amendment relating to the appraisal of real property for ad valorem taxation.

To Ways & Means.

**HJR 85** (by Shields), Proposing a constitutional amendment to create the Texas Redistricting Commission and to revise the constitutional redistricting provisions.

To State Affairs.

**HJR 86** (by Shields), Proposing a constitutional amendment to limit the time that a member of the Bexar County Commissioners Court may serve in office.

To County Affairs.

**HJR 87** (by Clark), Proposing a constitutional amendment to allow a person who holds the office of municipal court judge to hold more than one civil office of emolument at the same time.

To Judicial Affairs.

**HR 298** (by Kubiak), Joining the Texas Public Employees Association in opposition to legislation that would cause harm to state employees in the course of balancing or controlling the state budget.

To State Affairs.

**HR 300** (by Staples), Recognizing March 19, 1997, as Jacksonville Day at the State Capitol.

To Rules & Resolutions.

**HR 304** (by Wise), Recognizing March 13, 1997, as Grapefruit Day at the Capitol and welcoming the visiting members of the Texas Produce Association.

To Rules & Resolutions.

**HR 305** (by Wise), Welcoming Anna Pena, Queen Citrianna the 60th, to the State Capitol.

To Rules & Resolutions.

**HR 306** (by Wise), Honoring the Tip of Texas Girl Scout Council and welcoming its members to the State Capitol.

To Rules & Resolutions.

**HR 307** (by D. Jones), In memory of Clem B. Boverie.

To Rules & Resolutions.

**HR 308** (by Shields, et al.), Congratulating Walter Stoneham on the occasion of his retirement as chief appraiser of Bexar County.

To Rules & Resolutions.

**HR 309** (by Shields), Honoring Edward L. Wellberg, Jr.

To Rules & Resolutions.

**HR 310** (by King), Commemorating the 50th anniversary of Uvalde Broadcasters, Inc.

To Rules & Resolutions.

**HR 311** (by Gallego), Honoring Eleanor Elam for her service to the children of the Alpine Independent School District.

To Rules & Resolutions.

**HR 312** (by Hodge), Honoring Donna Houston-Woods for her outstanding community service.

To Rules & Resolutions.

**HR 313** (by Williams), Congratulating James Harris.

To Rules & Resolutions.

**SB 54** to Insurance.

**SB 67** to Corrections.

**SB 241** to Business & Industry.

**SB 505** to Business & Industry.

**SB 534** to Human Services.

**SB 590** to Ways & Means.

**SCR 33** to Rules & Resolutions.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 17**

**HCR 100, HCR 105, HCR 107, HCR 114**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, March 10, 1997

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

**SB 115**                Zaffirini  
Relating to certain investigations conducted by the Department of Protective and Regulatory Services.

**SB 116**                Zaffirini  
Relating to investigations of and the offense of failure to report alleged abuse, neglect, or exploitation of individuals in certain facilities.

**SB 273**                Zaffirini  
Relating to development of a statewide consumer guide for senior citizens.

**SB 275**                Sibley  
Relating to certain acts of public accountants.

**SB 382**                Madla  
Relating to the regulation of health maintenance organizations.

**SB 383**                Cain  
Relating to the regulation of preferred provider benefit plans.

**SB 384**                Nelson  
Relating to utilization review under health benefit plans and health insurance policies.

**SB 387** Harris

Relating to the use of a rating system and consumer report cards to compare certain health benefit plans.

**SB 544** Carona

Relating to the procedure by which a municipality may dispose of certain land.

**SB 585** Nelson

Relating to requirements for certain health insurance benefits.

Respectfully,

Betty King  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 5

Pensions & Investments - **HB 724**

March 6

Civil Practices - **HB 118, HB 506, HB 1193**

County Affairs - **HB 725, HB 794, HB 901, HB 991, HB 1142**

Environmental Regulation - **HB 717, HB 1206, HB 1298, HB 1423**

Financial Institutions - **HB 799**

Higher Education - **HCR 24**

Insurance - **HB 263**

Judicial Affairs - **HB 242, HB 359, HB 480, HB 518, HB 591, HB 1143, HB 1157, HB 1403, HB 1492, HJR 24, HJR 55**

Land & Resource Management - **HB 833**

Pensions & Investments - **HB 8, HB 1429, HJR 8**

Public Safety - **HB 171**

Transportation - **HB 920, HB 981**

Urban Affairs - **HB 892, HB 1161, HB 1296**

Ways & Means - **HB 526, HB 1424**

March 7

Appropriations - **HB 1**

Corrections - **HB 1422**

Criminal Jurisprudence - **HB 157, HB 908**



Economic Development - **HB 1526**

Juvenile Justice & Family Issues - **HB 278, HB 1092, HB 1150, HB 1550**

Licensing & Administrative Procedures - **HB 207, HB 930**

Ways & Means - **HB 197**

**ENROLLED**

March 6 - **HCR 108, HCR 119**

March 7 - **HCR 100, HCR 105, HCR 107, HCR 114**

**SENT TO THE GOVERNOR**

March 6 - **HCR 108, HCR 119**

**SIGNED BY THE GOVERNOR**

March 6 - **HCR 119**

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